1946. File No. O. Medical Practitioners/46

Legal Department

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Subject:— Opinions under the Bombay Medical Practitioner's Rules, 1939

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File No. O./Medical Practitioners/46

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Office of the R.L.A.

The President of the Board of Indian Systems of Medicine Bombay, now states that the names of the twelve members of the Board (excluding the President) are not type on 13 sheets of papers as was stated by him previously but that names of only those members of the Board are retained on the ballot paper who infor the meeting that they are willing to stand for election to the Executi e Committee.

As observed in R.L.A's opinion No. 6663 dat d 12-9-45.

> "nomination is merely select on of candidates for office and th it is merely a provision for some method of placing a candidate/ name/ on the ballot".

The method followed by the Board is to ascertain at the meeting "If any one is unwilling to stand for election to the Executive Committee/". After ascertaining the intention of the members, "the names of the unwilling candidates are struck off from the ballot paper."

What should be the method for nominating a candidate is purely for the Board to consider and adopt. There is no procedure fixed by common law in that behalf. But the procedure of striking off the names of the unwilling candidates from the ballot papers in contrary to the procedure of election by 'ballot' which as observed in R.L.A's opinion "should bear the names of candidates at the particular election". The ballot paper should not be spoiled in any way before it is handed over. Instead of striking off the names, the proper method would be to enter in the ballot paper only the names of those candidates who are willing to stand for election. If there ~~was~~ are as many candidates as there are seats the question of voting would not arise. If the Board thinks fit it may require that each candidate shall be proposed and seconded at the meeting and may then enter the names of such candidate/ in the ballot paper.

The procedure contained in rule 7 of the Bombay Medical Practitioners Rules, 1939, would not be appropriate

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such election especially when the election is to be b gun and finished on the same day (cr. Rule 39) and the voters do not exceed 13 in all.

Sd/- P.N.M.

18/4/46

Remembrancer of Legal Affairs.

U.R. to G.D. No. 2987, dated 20th April 1946.

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Instead of the P esident inquiring from each member if he is willing to stand, it would be desirable to re uire the members willing to stand for ele-tion, to submit their nomination some days before the election, so that ballot papers might be prepared in the event of the number of candidates nominated exceeding the number of seats.

Sd/- P.N.Koos

o.c. 2/7/46

Remembrancer of Legal Affairs.

U.R. to G.D. No. 4775, dated the 3rd July 1946.

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